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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/975,284      | 10/10/2001  | Masae Yoyasu         | SHX 326             | 9862             |

7590 10/29/2004

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| EXAMINER |
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THISSELL, JENNIFER I

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3635

DATE MAILED: 10/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/975,284

Applicant(s)

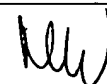
YOYASU, MASAE

Examiner

Jennifer I Thissell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 and 18-22 is/are allowed.
- 6) ☒ Claim(s) 14-17, 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION*****Claim Objections***

Claims 14-17 and 23 are objected to because applicant initially claims a subcombination of a “fastener”, but then claims the fastener in combination with a “fastener holder” in the body of the claim. Applicant must amend the claims to be consistent throughout the entire claim, as well as in the dependent claims. For example, in claim 14, line 6, the claim should read similar to “a base plate that is ***capable of being inserted*** into a housing space inside said fastener holder”. This issue must also be addressed and changed accordingly in claim 14, line 11, and claim 15, lines 2 and 4.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 14-17 and 23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 14 recites the limitations "the engage-and-stop portions" and "the lateral walls". There is insufficient antecedent basis for these limitations in the claim.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 14-16 rejected under 35 U.S.C. 102(b) as being anticipated by Maki et al. ('522). Maki teaches a base plate 152, an engaging portion 154 that projects upright from the base plate, a pair of extending elastic pieces 156 whose ends are free, and there are protruding portions (outer portions) formed to the elastic pieces. Because Maki teaches all of the structural limitations as stated, the fastener is considered capable of performing all of the functions as recited in the claims.

It should be noted that the limitations that further describe the fastener holder in claims 14-16 are not given patentable weight, as applicant has specified (in the response filed 7/15/04) that claim 14 is drawn to the fastener only.

***Allowable Subject Matter***

Claims 1-13 and 18-22 are allowed.

Claims 17 and 23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this

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Office action and to include all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Although applicant has clearly stated that claim 14 is drawn to a subcombination of a fastener only, applicant has failed to amend the claims to clearly reflect the subcombination throughout (see the example set forth above). Although applicant argues that the fastener is properly defined relative to the fastener holder, the Examiner fails to agree.

Regarding applicant's argument that Maki fails to disclose each and every element of claim 14, specifically that the fastener is configured with the fastener holder "in a releasable manner", it should be noted that applicant is relying on features that are not specifically claimed. Firstly, it has been determined that the fastener is NOT claimed in combination with the fastener holder. Secondly, because Maki teaches every structural element of the fastener, it is considered to be capable of performing the same functions as the instant invention. Although applicant states that Maki's fastener is disclosed as being permanently mounted to the molding instead of releasably mounted, this is not relevant because Maki's fastener need only be capable of being releasably mounted to a holder. Maki's fastener has the same structural limitations as claimed, therefore it is considered capable of being releasably

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mounted to any fastener holder, which does not necessarily mean Maki's holder.

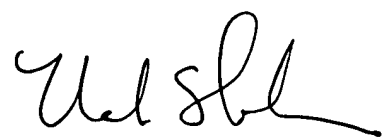
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer I Thissell whose telephone number is (703) 306-5750. The examiner can normally be reached on Mondays and Tuesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (703) 308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JIT

  
Naoko Slack  
Primary Examiner